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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/773,700

02/06/2004

Kent Pearce

P1570

7792

7590

02/08/2007

Mr. Kent Pearce
6375 San Juan Canyon Road
San Juan Bautista, CA 95045

EXAMINER

CHIN, GARY

ART UNIT

PAPER NUMBER

3661

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/773,700	Applicant(s) PEARCE ET AL.	
	Examiner Gary Chin	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/6/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because there is no descriptive label provided for each of the structural elements shown in figures 1-3 currently represented in a form of hollow rectangles. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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As per claims 1 and 12, both on lines 7-8 and claim 4, lines 2-3, is the “monitor first frequency component” from the MDSSS signal? If so, “a monitor first frequency component of said MDSSS signal” should be recited. The above comment is similarly applied to “a monitor second frequency component” on lines 3-4 of claim 2 and lines 11-12 of claim 12 and “a monitor third frequency component” on lines 2-3 of claim 3.

As per claims 1-3, 7, 11-13, 15 and 18, “said monitor unit” should be “said monitoring unit” to be consistent.

As per claim 3, line 4, “second phase detector” should be “said second phase detector” in order to avoid the antecedent basis problem.

As per claim 4, the antecedent basis for “said first frequency”, “said tracked pseudo-random noise sequence” and “said monitor pseudo-random noise sequence” has not been respectively set forth in the claim.

As per claim 5, the antecedent basis for “said second frequency component”, “said tracked pseudo-random sequence” and “said monitor pseudo-random sequence” also has not been respectively set forth in the claim.

As per claim 6, the antecedent basis for “said frequency component” on both lines 1-2 also has not been set forth in the claim.

As per claim 8, the antecedent basis for “said second frequency component” on lines 1 and 3-4 also has not been set forth in the claim.

Referring back to claim 12, line 14, is the “second frequency component” from the MDSSS signal or the TDSSS signal? Further, “monitor unit” on line 15 should be “said monitoring unit” in order to avoid the antecedent basis problem and be consistent. Moreover, the

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antecedent basis for "said tracked pseudo-random noise sequence" on line 17 and "said tracked pseudo-random sequence" on line 19 has not been respectively set forth in the claim.

As per claim 13, "second phase detector" on line 4 and "an object" on lines 5-6 should be "said second phase detector" and "said object" respectively in order to avoid the antecedent basis problem.

As per claim 16, lines 4-5, "a second frequency component" should be "said second frequency component" in order to avoid the antecedent basis problem.

As per claim 18, line 1, the antecedent basis for "the range" has not been established and should be changed to "an object".

Claims that have not been specifically indicated are rejected for incorporating the above errors from their respective parent claims by dependency.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4, 9-11 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Radin (patent no. 6867693).

As per claims 1, 4, 9 and 18, figures 1-2 and columns 5 and 17 of the Radin reference clearly disclose the claimed electronic system and method for locating an object (item 155 in fig. 1) including a monitoring unit (item 110), a tracked unit (see item 150 in figures 1-2) placed on the

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object and a first phase detector (item 118) placed on the monitoring unit. Further, the Radin reference in col. 5, lines 52-65 and col. 17, lines 9-22 clearly teaches the use of the monitor direct sequence spread spectrum signal (MDSSS) and the tracked direct sequence spread spectrum signal (TDSSS) to determine the phase difference as claimed.

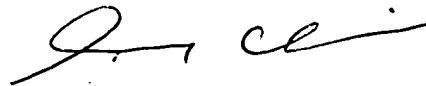
As per claims 10-11, the claimed display in the monitoring unit for displaying the location or distance of the tracked unit is shown in figure 1 (see the display area in item 110) of the Radin reference.

5. Claims 12-17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
6. Claims 2-3, 7 and 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
7. The additional references are cited to show the related system(s). Applicant(s) should consider them carefully when responding to the current office action.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Chin whose telephone number is (571) 272-6959. The examiner can normally be reached on Monday-Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



GARY CHIN
PRIMARY EXAMINER